

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MICHAEL E. TOMPKINS, §
AND MICHAEL J. GREEN § GROUP ART UNIT: 2314
§
SERIAL NO.: 08/162,420 §
§
FILED: December 3, 1993 § EXAMINER: E. Ramirez
§ BATCH NO.: B54
§
FOR: SPA CONTROL SYSTEM §

INFORMATION DISCLOSURE STATEMENT
AFTER PAYMENT OF ISSUE FEE

Date: September 9, 1994
File: 86-1198-06

Commissioner of Patents & Trademarks
Washington, D. C. 20231

Sir:

Applicant for the above identified patent application wishes to have made of record in the patent file of the above identified patent application, the enclosed copy of Volume 25, No. 21 of the publication "Pool & Spa News" dated November 3, 1986 and to bring to the attention of the public and to the U.S. Patent and Trademark Office the advertisement on page 249 thereof by Catalina Controls. The advertisement states in part, "a real controller, electronic, user-friendly, and very reliable." The advertisement also states "SEE US AT THE NSPI SHOW, WASHINGTON, D.C., NOVEMBER 19, 20, 21." The design, construction, and operation of the "controller" referenced in such advertisement is unknown to the Applicant and it is unknown to the Applicant whether the "controller" was shown at the referenced NSPI show. The "controller" may be prior art to the above identified patent application and may or may not be material to one or more of the claims of the above identified application. The above sets forth the present knowledge of the Applicant concerning the "controller" referenced in such advertisement.

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As background, Mr. Irving C. Siegel, discovered the attached publication on or about August 6, 1994, approximately two weeks after the issue fee was paid on July 21, 1994. Mr. Michael Tompkins learned of the publication from Mr. Siegel. Michael Tompkins is not aware of the design, construction, or operation of the "controller" referenced in the 1986 publication. The earliest Mr. Tompkins might have seen an advertisement of a Catalina controller would have been the Summer of 1987 and Mr. Tompkins recalls first seeing a controller manufactured by Catalina during a show held in the Fall of 1987.

The submission of the attached publication is not an admission that the controller referenced in the advertisement is available as prior art under 35 U.S.C. § 101 *et seq.* or that it is relevant or pertinent with respect to the present invention, nor is it a representation that no better art exists. Applicant reserves the right to swear behind or otherwise disprove the alleged "prior" nature of the controller should the facts support and the situation warrant such an action.

The Applicant has insufficient information, as indicated above, to request reopening the prosecution of the above-identified application. Therefore, Applicant requests that this information be placed in the file wrapper.

Respectfully submitted,

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